

making investments that allow us to compete. If a coastal port effectively really supports an area, say, 300 miles inland from that coastal port, an inland port supports an area 300 miles in all directions. So this is an effective thing for us to do.

Also, we need to ensure that we are looking at our port systems as a system, not just as one individual port. The old days of the Congress being able to say "This is what you want to do in this port or this harbor" are now being replaced by being sure the Corps of Engineers understands its responsibility to do this.

Another agency that needs to understand its reasonable responsibility is the EPA. So once again I am on the floor for the third time in about as many months—and heaven knows how many times in the last several years—talking about this incredible overreach EPA is making when they want to decide they don't want to change the law that says navigable waters of the United States are under the authority of the Environmental Protection Agency—not a new concept in law at all.

Navigable waters have seemed to be a Federal responsibility since the 1840s in law, in bills that have passed the Congress. So in the early 1970s, the Clean Water Act was passed, and the EPA was formed. The Clean Water Act said the EPA will have jurisdiction over navigable waters. But with this outrageous waters of the United States rule, the EPA wants to now define "navigable waters" as basically all the water in the country.

They want to say it is any water that can run into any water that can run into any water. I don't know how many iterations of that there would be that can run into any water that eventually runs into navigable water. There is a case before the Supreme Court right now where the EPA is challenging a company in Minnesota based on navigable waters. The location they are challenging is 120 miles away, by no argument, from the nearest thing that anybody would truly consider a navigable water.

The Farm Bureau in Missouri has a map that I have brought to the floor now a number of times—the Farm Bureau map of where the jurisdiction of the EPA would be under waters of the United States. This is anything that deals with water: a building permit, runoff from your driveway, resurfacing a parking lot, fertilizer on a farm field, drilling a hole for a utility pole. Anything that involves water, theoretically, under this rule, could come under the jurisdiction of the EPA.

In my State, anything that would meet the EPA definition of what could be the definition of their new sense of waters of the United States covers 99.7 percent of the State.

The Presiding Officer is a little further from this map. He may not be able to see the two dozen white dots on the map that would clearly still under the jurisdiction of the State of Missouri or

under the jurisdiction of a county government or under the jurisdiction of a city. That would be three-tenths of 1 percent.

Senator HOEVEN, who has fought to not allow this rule to go forward, as I have since the day it was proposed, has once again proposed an amendment to this bill. We all get to vote on it. A majority of the Senate has shown its concern about this particular regulation, this outlandish regulation—enough that the Senate and the House have put a bill on the President's desk in the last few months that the President vetoed, which said: Don't go forward with this regulation.

What this amendment says is: No money can be spent to go forward with this regulation. I certainly encourage my colleagues to once again step up, as they are already on the record as having been willing to do, to stop this regulation. This amendment—the way to stop this regulation is to say that no money can be spent to move forward with this regulation, which a majority of the Congress, Democrats and Republicans, organizations all over America, government at virtually every level, county governments, city governments, and State governments, have said they don't want. The Attorney Generals of about half of the States have a case before the Supreme Court. But none of that seems to get through to the all-knowing EPA on this issue.

Today I urge my colleagues to once again step up and say: We want this stopped.

One way to stop it is not to have any money available to move forward with this outlandish rule.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

SEXUAL ASSAULT AWARENESS MONTH

Mrs. GILLIBRAND. Mr. President, April is actually Sexual Assault Awareness Month, and I rise to speak about two extraordinary women who were accepted into their dream colleges and then after they arrived on campus were sexually assaulted. They tried to seek help from their school, and they were blamed for their assaults by their school's administrators.

A couple of years ago, these two young women walked into my office. They didn't have an appointment. They didn't have any connections on Capitol Hill. They certainly didn't have an expensive lobbyist to lead them in. Annie and Andrea had heard about my work to fight sexual assaults in the military, and they simply wanted to help.

The same crisis was unfolding on college campuses across the country. When they tried to report their rapes, they were not believed. They were actually retaliated against. For them, justice seemed impossible. But instead of doing nothing, Annie and Andrea joined together and they created an organization called End Rape on Campus.

They took their stories to college campus after college campus to be heard, to help other survivors like themselves, to make a difference, to achieve justice, and to hold these schools accountable.

Together, Annie and Andrea have helped many other sexual assault survivors file dozens of title IX complaints for how their schools mishandled their sexual assault claims. These young women are changing lives. They are helping their peers find justice. They took a risk to raise their voices, and now we are closer than ever to passing a comprehensive, bipartisan piece of legislation to make sure campus sexual assault cases are handled with the professionalism and fairness all our students deserve. We are closer than ever to passing a bill that would finally give our colleges and universities an incentive to solve the problem of sexual assault rather than stay silent and pretend it doesn't exist because they are worried about application numbers or press releases.

I urge all of my colleagues in the Senate to support this bipartisan bill, the Campus Accountability and Safety Act, because when surveys keep confirming that one out of five of our women in college are sexually assaulted before they graduate, we know we have more work to do. We need to follow the example of Annie and Andrea and speak out about this crisis.

I am going to use this moment to tell one story—the story of Andrea, what actually happened to her. She wrote a book with Annie called "We Believe You." It is an incredible compilation of survivor stories. It is quite heart-breaking and very tough to read, but it is one of the most inspiring books I have ever read. There are thousands of stories just like hers. I have others to tell on the Senate floor, but now I am going to tell you Andrea's in her own words:

After I publicly came forward as a survivor, I learned that the biggest triggers aren't actually the nightmares of my assault, but the nightmares of the betrayals that I've had to survive.

When the media tells your story, it feels like open season on your truth. It's exposed to commentary, and a part of you loses control over it, and the vulnerabilities that you intended to share.

When you tell your story to the media, you're at the mercy of their portrayal, and the portrayal of others.

I've been betrayed by friends who struggled to understand what happened to me, and to accept that the same person who put forth strength and composure could fall apart.

I wish I could have said the right things to get them to understand that I was broken, and that my confidence was a lie to both of us.

I've been betrayed by the university that I love so dearly, whose seal I wear around my neck, and whose quads and bricks hold pieces of me—pieces of who I was before, and of who I am today.

Andrea is one of many young men and women whose lives have been shattered by a violent sexual crime and then shattered again by a second betrayal when their schools chose not to

believe them or to offer justice. These survivors deserve better. They need Congress to act. We have to do the right thing. We have to be their voice. We have to stand for them. The bipartisan Campus Accountability and Safety Act does exactly that. Please, let's all do our jobs and pass the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

(The remarks of Mr. NELSON pertaining to the introduction of S. 2843 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. NELSON. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

ATVM LOAN PROGRAM

Mr. TOOMEY. Mr. President, I rise to address an amendment that has been filed, and on which I hope we are going to have a vote. That is amendment No. 3814. It is called End Crony Capitalist Advanced Technology Vehicle Manufacturing Loan Program.

Let me describe what this is about. We are all watching this Presidential election campaign unfold, and a big theme on both sides of the aisle is about how the Obama economy is not working for so many millions of ordinary Americans—middle-income, middle-class, working-class Americans who are working as hard as ever and falling behind. It is true. It has absolutely been a fact that this economy is not anywhere near where it should be. Part of that and part of the theme is how Washington works for the well-connected—for the few who get to figure out how to get special benefits from taxpayers. But that doesn't apply if you are an ordinary man or woman who is just working hard to feed their family and take care of their family and who doesn't have the lobbyists and the connections to get special treatment. It is infuriating for people, and they are right.

One of the most egregious examples is the Advanced Technology Vehicle Manufacturing Loan Program. This is a program that forces taxpayers to lend money to especially preferred—very affluent, generally—and well-connected businesses. It was created in 2007, and it requires the Department of Energy to lend this money—up to \$25 billion of taxpayer money—to private corporations that ought to be funding their activity privately.

Why should my constituents in Pennsylvania be made to take the risk for some company that has an idea they want to float? Why in the world should it be that my constituents and your constituents, Mr. President, have to subsidize a particular business because some politicians decide they like it? This is completely outrageous, and this program is particularly egregious.

So far this program has made five loans worth \$8.4 billion. Of the five,

two of them have already defaulted. Two have already gone under. Why should our taxpayers have to make these loans to companies that then fail, and the taxpayers end up holding the bag?

Fisker Automotive is one of them. They got a \$529 million loan in 2010. It took less than 1 year for them to default. The Department of Energy—which is to say, our constituents, taxpayers—then took a \$139 million loss, just on that one transaction.

The Vehicle Production Group got a \$50 million loan in 2011. Two years later, they defaulted. Taxpayers lost almost all of it—\$42 million.

But it gets even more absurd. In 2011, the Department of Energy, under this program, tried to make a \$730 million loan to a company owned by a Russian oligarch so he could build a steel plant to compete with American steel companies and steelworkers that are already making this product. Why in the world should my constituents be forced to subsidize a Russian oligarch? This is ridiculous. And by the way, the plant had already been built. It was retroactively funding facilities that he already had the resources to build. This is just crazy. This is what drives people crazy.

The GAO has recommended three times that this program be terminated. They have estimated that if the program continues, they are going to lose another \$400 million. So here we have Washington picking a handful of preferred companies to get huge taxpayer subsidies. It has proven it is a losing program. Why are we doing this in the first place?

So we have an amendment that would end this program. Senator COATS, Senator FISCHER and myself want to end this. We don't want taxpayers to continue to subsidize these companies. We don't think crony capitalism is the way our system should work. We think our economy should work for everybody who shows up and punches a clock and works hard, not the well-connected who can get a big subsidy from Washington. So we have an amendment that would end it.

Now, there is some controversy about whether we are even going to have a vote on this, which is really disturbing. I hope we can resolve this and have this vote. I will live with the consequences of this vote, as we all have to. But if there are people who like this program and think that our taxpayers should continue being forced to give away money and subsidize preferred special interests, OK, come on down to the floor and make the case. Argue for why we should continue this crony capitalism, and why it is that politicians ought to put their thumbs on the scale of our economy and divert taxpayer dollars to preferred interests. Come on down and make the case. At least have the courage of your convictions, and let's have a vote. That is all I am asking for.

So I am hoping we will get this. I am hoping we will have a vote and, of

course, I am hoping we will end a terrible program that undermines the confidence the American people have in our government. We could take a step in the right direction of restoring some confidence that this town can figure out what to do and can take steps to help our economy be fairer, more open, and more successful for all Americans.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

FILLING THE SUPREME COURT VACANCY

Mr. CARDIN. Mr. President, I recently had the opportunity to convene a roundtable at the University of Baltimore School of Law entitled: "Why Nine? A Discussion on the Importance of a Fully Functioning Supreme Court." I want to particularly thank the dean of the University of Baltimore Law School, Ronald Weich, for moderating this roundtable and bringing his extensive experience to this discussion. Ron Weich is well known here. He is the former chief counsel to Senate Minority Leader REID and former Assistant Attorney General for Legislative Affairs at the U.S. Justice Department.

I want to share with my colleagues some of the comments that were made by the people who were at that roundtable discussion.

Caroline Frederickson, the president of the American Constitution Society, discussed the lengthy delays for trial and appellate court decisions. Lengthy delays in filling vacancies mean that justice delayed is justice denied. We have seen a growing number of judicial emergencies as a result of the Senate leadership's slow-walking of the consideration of judicial nominations, as I discussed recently on the floor of the Senate. One of these is my own State of Maryland's district court vacancy, in which Paula Xinis has been waiting for floor action now since she was reported out of the Judiciary Committee unanimously in September of 2015. She has waited over 7 months for action on the floor of the Senate.

Ms. Frederickson also noted the increasing number of 4-to-4 decisions being issued by the Supreme Court. She warned that a Court that is split on a tough 4-to-4 decision might be tempted to "legislate" a solution by asking the parties to reshape the legal questions before the Court and go beyond the narrow case or controversy that is properly before the Court. That is something all of us want to avoid. We don't want the Court legislating.

John Greenbaum, chief counsel and senior deputy director of the Lawyers' Committee for Civil Rights Under Law, told the group that if Republicans hold to their pledge to block the filling of the Supreme Court vacancy until a new President takes office, this vacancy would span and negatively impact two terms of the Court and could last more than a year.